

First Published in the Wichita Eagle on August 6, 2004

RESOLUTION NO. 04-400

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING FORESTVIEW FROM THE NORTH LINE OF LOT 39, BLOCK A, LIBERTY PARK 2ND, SOUTH TO THE SOUTH LINE OF LOT 27, BLOCK C, LIBERTY PARK 3RD, ON ALDERNY AND ALDERNY CIR. FROM THE EAST LINE OF FORESTVIEW, EAST AND SOUTH TO AND INCLUDING THE CUL-DE-SAC, AND ON 10TH ST. N. FROM THE WEST LINE OF FORESTVIEW, WEST TO 135TH STREET WEST. FORESTVIEW CT. (LOTS 9 THROUGH 23, BLOCK A, LIBERTY PARK 2ND) FROM THE EAST LINE OF FORESTVIEW, EAST TO AND INCLUDING THE CUL-DE-SAC, ON 10TH N. CT. (LOTS 43 THROUGH 49, BLOCK A, LIBERTY PARK 2ND) FROM THE NORTH LINE OF 10TH ST. N., NORTH TO AND INCLUDING THE CUL-DE-SAC, ON 10TH N. CT. (LOTS 1 THROUGH 8, BLOCK A, LIBERTY PARK 3RD) FROM THE SOUTH LINE OF 10TH ST. N., SOUTH TO AND INCLUDING THE CUL-DE-SAC, AND ON ALDERNY CT. FROM THE SOUTH LINE OF ALDERNY, SOUTH TO AND INCLUDING THE CUL-DE-SAC. SIDEWALK BE CONSTRUCTED ON ONE SIDE OF FORESTVIEW, ALDERNY, AND 10TH ST. N., (SOUTH OF 13TH, EAST OF 135TH STREET WEST) 472-83881, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING FORESTVIEW FROM THE NORTH LINE OF LOT 39, BLOCK A, LIBERTY PARK 2ND, SOUTH TO THE SOUTH LINE OF LOT 27, BLOCK C, LIBERTY PARK 3RD, ON ALDERNY AND ALDERNY CIR. FROM THE EAST LINE OF FORESTVIEW, EAST AND SOUTH TO AND INCLUDING THE CUL-DE-SAC, AND ON 10TH ST. N. FROM THE WEST LINE OF FORESTVIEW, WEST TO 135TH STREET WEST. FORESTVIEW CT. (LOTS 9 THROUGH 23, BLOCK A, LIBERTY PARK 2ND) FROM THE EAST LINE OF FORESTVIEW, EAST TO AND INCLUDING THE CUL-DE-SAC, ON 10TH N. CT. (LOTS 43 THROUGH 49, BLOCK A, LIBERTY PARK 2ND) FROM THE NORTH LINE OF 10TH ST. N., NORTH TO AND INCLUDING THE CUL-DE-SAC, ON 10TH N. CT. (LOTS 1 THROUGH 8, BLOCK A, LIBERTY PARK 3RD) FROM THE SOUTH LINE OF 10TH ST. N., SOUTH TO AND INCLUDING THE CUL-DE-SAC, AND ON ALDERNY CT. FROM THE SOUTH LINE OF ALDERNY, SOUTH TO AND INCLUDING THE CUL-DE-SAC. SIDEWALK BE CONSTRUCTED ON ONE SIDE OF FORESTVIEW, ALDERNY, AND 10TH ST. N., (SOUTH OF 13TH, EAST OF 135TH STREET WEST) 472-83881, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **03-616** adopted on **November 18, 2003**, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve Forestview

from the north line of Lot 39, Block A, Liberty Park 2nd, south to the south line of Lot 27, Block C, Liberty Park 3rd, on Alderny and Alderny Cir. from the east line of Forestview, east and south to and including the cul-de-sac, and on 10th St. N. from the west line of Forestview, west to 135th Street West. Forestview Ct. (Lots 9 through 23, Block A, Liberty Park 2nd) from the east line of Forestview, east to and including the cul-de-sac, on 10th N. Ct. (Lots 43 through 49, Block A, Liberty Park 2nd) from the north line of 10th St. N., north to and including the cul-de-sac, on 10th N. Ct. (Lots 1 through 8, Block A, Liberty Park 3rd) from the south line of 10th St. N., south to and including the cul-de-sac, and on Alderny Ct. from the south line of Alderny, south to and including the cul-de-sac. Sidewalk be constructed on one side of Forestview, Alderny, and 10th St. N., (south of 13th, east of 135th Street West) 472-83881.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Five Hundred Thirty-nine Thousand Dollars (\$539,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **August 1, 2004**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

LIBERTY PARK 2ND

Lots 40 through 49, Block A
Lots 9 through 23, Block B

LIBERTY PARK 3RD

Lots 1 through 8, Block A
Lots 1 through 27, Block C

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Lots 40 through 49, Block A, and Lots 9 through 23, Block B; LIBERTY PARK 2ND shall each pay 1/60 of the total cost of the improvements, and Lots 1 through 8, Block A, and Lots 1 through 27, Block C, LIBERTY PARK 3RD shall each pay 1/60 of the total cost of the improvements.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against

those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, August 3, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)